

RESOLUTION NO. 4211

AUTHORIZING AND DIRECTING CONDEMNATION
OF REAL PROPERTY FOR SEWER FACILITIES

BE IT RESOLVED by the Council of the City of Lodi as follows:

The Council of the City of Lodi finds, determines, and hereby declares:

1. That the public interest, necessity, and convenience require the acquisition, construction, and completion of a public improvement, to-wit: an easement for right of way for a sanitary sewer line extension along and across certain real property located south of Kettleman Lane, between South Stockton Street and Cherokee Lane, in the County of San Joaquin, State of California.

2. That the real property hereinafter described is suitable, adaptable, necessary, and required for the public use of said City of Lodi, as hereinabove set forth.

3. The proposed project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.

4. That the City of Lodi acquire the hereinafter described real property for sewer facilities, by donation, purchase, or by condemnation in accordance with the provisions of the Code of Civil Procedure of the State of California relating to eminent domain. That the City Attorney is hereby authorized to prosecute in the name of the City of Lodi, any and all actions or proceedings required to acquire the necessary land and/or to fix the compensation to be paid for property damage resulting from the construction and maintenance of said improvements; and in the absence of a satisfactory price agreement with the owner of the land, the City Attorney is hereby directed to immediately commence proceedings under Title Seven, Part Three of the Code of Civil Procedure of the State of California to condemn the property hereinafter described for the purpose of taking said land for the public use of said City as hereinabove set forth.

5. To acquire in the name of the City of Lodi, a construction easement and an easement in and to the said

hereinafter described real property by condemnation in accordance with the provisions of the Streets and Highways Code, Code of Civil Procedure, and the Constitution of California relating to eminent domain.

6. To make application to a Court of competent jurisdiction for an order fixing the amount of such security in the way of money deposits as said Court may direct, and for an order permitting said City of Lodi to take immediate possession and use of said property, or interest in real property, or existing improvements for the public use as hereinabove set forth; to make deposit of such security or monies in such amount so fixed and determined and in such manner as said Court in which said condemnation proceedings are pending may direct.

7. The real property, or interest in real property which the City of Lodi is by this Resolution authorized to acquire for said public improvements is situate in the County of San Joaquin, State of California, and is more particularly described as follows:

A portion of the Southeast Quarter of Section 13, Township 3 North, Range 6 East, Mount Diablo Base and Meridian, being more particularly described as follows:

A strip of land 10.00 feet in width lying 5.00 feet on each side of the following described line:

Commencing at the Northeast corner of said Quarter; thence South, along the East line of said Quarter, 174.13 feet to the TRUE POINT OF BEGINNING; thence South 87° 47' 00" West, parallel to and 174.00 feet South of the North line of said Quarter, 1650.00 feet to the East property line of the parcel of land described in Deed recorded October 25, 1957 in Book 2011, page 354, Official Records, San Joaquin County, extending and shortening the side lines so as to terminate at said property line, EXCEPT that portion lying within Cherokee Lane.

Further:

A construction easement along and across

a portion of the Southeast Quarter of Section 13, Township 3 North, Range 6 East, Mount Diablo Base and Meridian, being more particularly described as follows:

A strip of land 80.00 feet in width, said strip lying 65.00 feet North of, and 15.00 feet South of, as measured perpendicular to, the following described line.

Commencing at the Northeast corner of said Quarter; thence South, along the East line of said Quarter, 174.13 feet to the TRUE POINT OF BEGINNING; thence South 87° 47' 00" West, parallel to and 174.00 feet south of the North line of said Quarter, 1650.00 feet to the East property line of the parcel of land described in Deed recorded October 25, 1957 in Book 2011, page 354, Official Records, San Joaquin County, extending and shortening the side lines so as to terminate at said property line, EXCEPT that portion lying within Cherokee Lane, and, EXCEPT for that portion of the above described parcel lying 5.00 feet on each side of the above described line.

DATED: June 2, 1976.

I hereby certify that the foregoing Resolution was passed and adopted by the City Council of the City of Lodi in regular meeting held June 2, 1976, by the following vote:

AYES: Councilmen HUGHES, KATZAKIAN, EHRHARDT, and PINKERTON

NOES: Councilmen - None

ABSENT: Councilman KATNICH



Alice M. Reimold, City Clerk

The foregoing document is
certified to be a correct
copy of the original on
file in this office.

Alice M. Reimche
ALICE M. REIMCHE
City Clerk, City of Lodi

Dated: June 2, 1976